OHIO STATE LAW JOURNAL

Volume 17
1956

COLLEGE OF LAW
THE OHIO STATE UNIVERSITY
COLUMBUS, OHIO
1956

LC 1161
037 03
v.17.

CONTENTS

Volume 17

Table of Leading Articles—Authors iii

Table of Leading Articles—Titles v

Subject Index vii

Table of Cases Noted ix

TABLE OF LEADING ARTICLES—AUTHORS

BOEHM, R. T.—*Tax Accounting for Agriculture* 1

BORGES, MILO A.—*Labor Relations in Latin America* 290

BREWSTER, KINGMAN, JR.—*Legal Aspects of the Foreignness of Foreign Investment* 267

CLARK, CHARLES E.—*Objectives of Pre-Trial Procedure* 163

DE PARCQ, WILLIAM H. AND WRIGHT, CHARLES ALAN—*Damages Under the Federal Employers Liability Act.* 430

DEWEY, ADDISON E.—*Application of the Ohio Sales Tax Law to Farm Transactions—A Review of Fundamentals* 99

DIAMOND, WILLIAM—*Economic Problems in Foreign Trade and Investment in Underdeveloped Countries* 254

ELKIND, ARNOLD B.—*Which Court?* 361

FUNKHOUSER, A. PAUL—*What is a Safe Place to Work Under the F.E.L.A.* 367

GLANDER, C. EMORY—*Ohio Taxation of the Personal Property of Farmers* 89

HALSTEAD, HARRY M.—*Involuntary and Voluntary Sale of Farm Land* 46

HILL, ALFRED—*Substance v. Procedure in State F.E.L.A. Actions—The Converse of the Erie Problem?* 384

JAYNE, IRA W.—*Foreword—Pre-Trial Procedure* 160

LYNN, ARTHUR D., JR. AND OSTER, CLINTON V.—*Real Property Taxation of Farm Lands and Structures* 75

MCCOID, ALLAN—*The Federal Railroad Safety Acts and the F.E.L.A.: A Comparison* 494

METZENBAUM, HOWARD M. AND SCHWARTZ, ELMER I.—*Defenses Under the F.E.L.A.* 416

METZGER, STANLEY—*Comment on Speech of Kingman Brewster, Jr. Before Regional Conference on Foreign Trade and Investment* 274

METZGER, STANLEY—*Comment on Speech of Milo A. Borges Before Regional Conference on Foreign Trade and Investment* 300

MOEN, HARLAN T.—*Special Capital Gains Treatment for Farmers* 32

MURPHY, RICHARD R., JR.—*Income Taxation of Exempt Farmers' Cooperatives* 58

NIMS, HARRY D.—*Some By-Products of Pre-Trial* 185

OSTER, CLINTON V. AND LYNN, ARTHUR D. JR.—*Real Property Taxation of Farm Land and Structures* 75

POUND, ROSCOE—*Foreword—Federal Employers Liability Act* 356

SCHREIER, JOHN *F.—Comment on Speech of Roland L. Stanger Before Regional Conference on Foreign Trade and Investment* 320

SCHWARTZ, ELMER I. AND METZENBAUM, HOWARD M.—*Defenses Under the F.E.L.A.* 416

SHUMAKER, ROSS W.—*An Appraisal of Pre-Trial in Ohio* 192

STANGER, ROLAND L.—*Exchange Controls* 302

STUMBERG, GEORGE W.—*The Jones Act. Remedies of Seamen* 484

SUGARMAN, NORMAN A.—*Current Issues in Taxation of Business Investment Abroad* 277

WESTON, S. BURNS—*A Trial Lawyer Looks at Pre-Trial* 174

WHITNEY, O. W., JR.—*Adaptability of Pre-Trial to the Less-Populated Counties* 171

WRIGHT, CHARLES ALAN AND DEPARCQ, WILLIAM H.—*Damages Under the Federal Employers Liability Act* 430

TABLE OF LEADING ARTICLES—TITLES

ADAPTABILITY OF PRE-TRIAL TO THE LESS-POPULATED COUNTIES—*O. W. Whitney, Jr.* 171

APPLICATION OF THE OHIO SALES TAX LAW TO FARM TRANSACTIONS—A REVIEW OF FUNDAMENTALS—*Addison E. Dewey* 99

APPRAISAL OF PRE-TRIAL IN OHIO—*Ross W. Shumaker* 192

COMMENT ON SPEECH OF KINGMAN BREWSTER, JR. BEFORE REGIONAL CONFERENCE ON FOREIGN TRADE AND INVESTMENT—*Stanley Metzger* 274

COMMENT ON SPEECH OF MILO A. BORGES BEFORE REGIONAL CONFERENCE ON FOREIGN TRADE AND INVESTMENT—*Stanley Metzger* 300

COMMENT ON SPEECH OF ROLAND L. STANGER BEFORE REGIONAL CONFERENCE ON FOREIGN TRADE AND INVESTMENT—*John F. Schreier* 320

CURRENT ISSUES IN TAXATION OF BUSINESS INVESTMENT ABROAD—*Norman A. Sugarman* 277

DAMAGES UNDER THE FEDERAL EMPLOYERS LIABILITY ACT—*William H. DeParcq and Charles Alan Wright* 430

DEFENSES UNDER THE F.E.L.A.—*Howard M. Metzenbaum and Elmer I. Schwartz* 416

ECONOMIC PROBLEMS IN FOREIGN TRADE AND INVESTMENT IN UNDERDEVELOPED COUNTRIES—*William Diamond* 254

EXCHANGE CONTROLS—*Roland L. Stranger* 302

FEDERAL RAILROAD SAFETY ACTS AND THE F.E.L.A.: A COMPARISON—*Allan McCoid* 494

FOREWORD — FEDERAL EMPLOYERS LIABILITY ACT — *Roscoe Pound* 356

FOREWORD—PRE-TRIAL PROCEDURE—*Ira W. Jayne* 160

INCOME TAXATION OF EXEMPT FARMERS' COOPERATIVES—*Richard R. Murphy, Jr.* 58

INVOLUNTARY AND VOLUNTARY SALE OF FARM LAND—*Harry M. Halstead* 46

JONES ACT. REMEDIES OF SEAMEN—*George W. Stumberg* 484

LABOR RELATIONS IN LATIN AMERICA—*Milo A. Borges* 290

LEGAL ASPECTS OF THE FOREIGNNESS OF FOREIGN INVESTMENT —*Kingman Brewster, Jr.* 267

OBJECTIVES OF PRE-TRIAL PROCEDURE—*Charles E. Clark* 163

OHIO TAXATION OF THE PERSONAL PROPERTY OF FARMERS— *C. Emory Glander* 89

REAL PROPERTY TAXATION OF FARM LAND AND STRUCTURES —*Arthur D. Lynn, Jr. and Clinton V. Oster* 75

SOME BY-PRODUCTS OF PRE-TRIAL—*Harry D. Nims* 185

SPECIAL CAPITAL GAINS TREATMENT FOR FARMERS—*Harlan T. Moen* 32

SUBSTANCE V. PROCEDURE IN STATE F.E.L.A. ACTIONS—THE CONVERSE OF THE ERIE PROBLEM—*Alfred Hill* 384

TAX ACCOUNTING FOR AGRICULTURE—*R. T. Boehm* 1

TRIAL LAWYER LOOKS AT PRE-TRIAL—*S. Burns Weston* 174

WHAT IS A SAFE PLACE TO WORK UNDER THE F.E.L.A.—*A. Paul Funkhouser* 367

WHICH COURT?—*Arnold B. Elkind* 361

SUBJECT INDEX

ACTS

Antitrust Proscriptions—The A&P Case 208

Federal Railroad Safety Acts and the FELA—A Comparison 494

The Jones Act. Remedies of Seamen 484

ADMINISTRATIVE LAW

Judical Review of PUC Orders—Criteria for Reversal 141

AGENCY

Contributory Negligence of Son Whose Application for an Operator's License Signed By Father Bars Suit by Father Against Third Person Under Ohio Rev. Code §4507.07 242

Insurance—Power of a Soliciting Agent to Waive Provision in Application Requiring Medical Examination 156

CONSTITUTIONAL LAW

Air Commerce — Has Congress Preempted Its Control? 144

Due Process and Equal Protection —Guarantee to Indigents of Adequate Appellate Review in Criminal Cases 533

Motion Picture Censorship: Social Control and the Constitution 227

Pay While Voting Statute — Substantive Due Process—Police Power, Arbitrary and Unreasonable Exercise of 146

Public Purpose—Appropriation to Veterans Organizations 148

CRIMINAL LAW

Admissibility of Evidence of Other Crimes in a Criminal Prosecution 351

Felony Murder Rule in Ohio 130

Refusal of Defendant to Submit to Intoxication Test in Prosecution for Drunken Driving 251

DOMESTIC RELATIONS

Adoption — Effect on Inheritance Rights from Natural Parents 558

Adoption—Inheritance from Adoptive Parents—Effect of Readoption Prior to Their Death 556

Temporary Alimony and Interim Attorney Fees—When Wife Entitled To 150

Wife Sues for Loss of Consortium for Negligent Injury to Husband 153

EVIDENCE

Admissibility of Evidence of Other Crimes in a Criminal Prosecution 351

Business Records as Evidence — When Admissible 343

EXCHANGE CONTROLS

Exchange Controls 302

Comment on Speech of Roland L. Stanger 320

F. E. L. A.

Damages Under the FELA 430

Defenses Under the FELA 416

Federal Railroad and Safety Acts and the FELA: A Comparison 494

Jones Act. Remedies of Seamen 484

What is a Safe Place to Work Under the FELA 367

Which Court 361

FOREIGN TRADE

Comment on Speech of Kingman Brewster, Jr. 274

Current Issues in Taxation of Business Investments Abroad 277

Economic Problems in Foreign Trade and Investment in Underdeveloped Counties 254

Legal Aspects of the Foreignness of Foreign Trade Investment 267

LABOR LAW

Comment on Speech of Milo A. Borges 300

Labor Relations in Latin America 290

INSURANCE

Agency — Power of Soliciting Agent to Waive Provision in Application Requiring Medical Examination 156

PLEADING

Necessity for Timeliness of Pleadings — Removal Clause in Regard to Federal Jurisdiction 240

PRACTICE AND PROCEDURE

Adaptability of Pre-Trial to the Less-Populated Counties 171

Appellate Review—Ruling Merely Sustaining Demurrer to Petition Deemed Final Appealable Order, When 349

Appraisal of Pre-Trial in Ohio 192

Foreword—Pre-Trial 160

Objectives of Pre-Trial Procedure 163

Some By-Products of Pre-Trial 185

Substance and Procedure in State FELA Actions: The Converse of the Erie Problem 384
Trial Lawyer Looks at Pre-Trial 174
Trial—Reassembly of Jury After Discharge 560
Which Court? (FELA) 361

PROPERTY
Fee Tail in Ohio 335
Remedies for Waste in Ohio 326

STATUTES
Agency — Contributory Negligence of Son Whose Application for an Operator's License Signed by Father Bars Suit By Father Against Third Person Under Ohio Rev. Code §4507.07 242
Billboard Regulation in Ohio 116
Constitutional Law — "Pay While Voting" Statute 146
Fee Tail in Ohio 335
Felony Murder Rule in Ohio 130
Injury Construed — Overexertion Not Compensable When No Antecedent Accident Causes Injury 546
Remedies for Waste in Ohio 326

TAXATION
Application of the Ohio Sales Tax Law to Farm Transactions—A Review of Fundamentals 99
Current Issues in Taxation of Business Investment Abroad 277
Deductability of Legal Expense as a General Business Expense 544
Income Taxation of Exempt Farmer's Cooperatives 58
Involuntary and Voluntary Sale of Farm Land 46
Ohio Taxation of the Personal Property of Farmers 89
Real Property Taxation of Farm Land and Structures 75
Special Capital Gains Treatment for Farmers 32
Tax Accounting for Agriculture 1

TORTS
Agency — Contributory Negligence of Son Whose Application for an Operator's License Signed by Father Bars Suit by Father Against Third Person Under Ohio Rev. Code §4507.07 242
Domestic Relations — Wife Sues for Loss of Consortium for Negligent Injury to Husband 153
Liability of Charitable Hospital—Repudiation of Immunity Rule 551
Negligence — Intervening Agency Capable of Eliminating Existing Hazard 244
Right of Privacy — Invasion by Debt Collector 346

WASTE
Remedies for Waste in Ohio 326

WILLS
The Fee Tail in Ohio 335

WORKMAN'S COMPENSATION
Injury Construed — Overexertion Not Compensable When No Antecedent Accident Causes Injury 546

TABLE OF CASES NOTED

Allegheny Airlines, Inc. v. Village of Cedarhurst, E. D. New York, 1955 ----------144

Avellone v. St. John's Hospital, Ohio, 1956 ----------551

City of Columbus v. Mullins, Ohio, 1954 ----------247

Coastal Tank Lines, Inc. v. Canoles, Maryland, 1955 ----------153

Day v. Commonwealth, Virginia, 1955 ----------351

Dickman v. Defenbacher, Ohio, 1955 ----------148

Draper v. Commissioner, U. S. Tax Court, 1956 ----------544

Dripps v. Industrial Commission, Ohio, 1956 ----------546

Frantz v. Florence, Admr., Ohio, 1954 ----------558

Gettins v. United States Life Insurance Co., Sixth Circuit, 1955 ----156

Green v. Zuck, S. D., New York, 1955 ----------240

Griffin v. Illinois, U. S. Supreme Court, 1956 ----------553

Heimgaetner v. Benjamin Electric Manufacturing Co., Illinois, 1955 -146

Housh v. Peth, Ohio, 1956 ---------346

Hurt v. Rogers Transportation Co., Ohio, 1955 ----------244

In re Estate of Lichtenberg, Illinois, 1956 ----------556

McCants v. Chenault, Ohio, 1954 --242

New York Central R. Co. v. Public Utilities Commission of Ohio, 1955 ----------141

Schindler v. The Standard Oil Co., Ohio, 1956 ----------349

State v. Brandenburg, New Jersey, 1956 ----------560

Stone v. Stone, Ohio, 1954 ----------150

William v. Alexander, New York, 1955 ----------343